

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**0** Valuation of Security**0** Assumption of Executory Contract or Unexpired Lease**0** Lien Avoidance

Last revised: September 1, 2018

UNITED STATES BANKRUPTCY COURT
District of New Jersey

In Re: **Jorge E Nieves, Jr.**Case No.: **17-12247**

Judge: _____

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS - AMENDED

Original
 Motions Included

Modified/Notice Required
 Modified/No Notice Required

Date: _____

**THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.**

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

- DOES DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.
- DOES DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.
- DOES DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney _____ Initial Debtor: **JEN** _____ Initial Co-Debtor _____

Part 1: Payment and Length of Plan

a. The debtor shall pay 185.60 Monthly* to the Chapter 13 Trustee, starting on for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- Future Earnings
- Other sources of funding (describe source, amount and date when funds are available):**Personal injury & workers compensation case net non-exempt proceeds**

c. Use of real property to satisfy plan obligations:

- Sale of real property
Description:**202 Perry Street, Trenton, NJ**
Extension of sale date
Proposed date for completion: Feb, 2020
- Refinance of real property:
Description:
Proposed date for completion: _____
- Loan modification with respect to mortgage encumbering property:
Description:**Debtor received a loan modification for 3 Manor House Drive, Ewing, NJ. Pre-petition mortgage arrears have been recapitalized into new loan note.**
Proposed date for completion: _____

d. The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

NONE

a. Adequate protection payments will be made in the amount of \$ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to (creditor).

b. Adequate protection payments will be made in the amount of \$ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Candyce SMith-Sklar	Attorney Fees	2,100.00
Ewing township sewer taxes	Taxes and certain other debts	200.00
IRS	Taxes and certain other debts	2,254.00

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

None

The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506: **NONE**

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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-NONE-							
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ■ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C. 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan □ NONE

The following secured claims are unaffected by the Plan:

Creditor
Albert Russo, Standing Chapter 13 Trustee
Ditech

g. Secured Claims to be Paid in Full Through the Plan ■ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims ■ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- Not less than \$____ to be distributed *pro rata*
- Not less than ____ percent
- Pro Rata* distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ■ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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Part 7: Motions ■ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ■ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ■ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ■ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- Upon Confirmation
- Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims

6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee is, is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified:

Explain below why the plan is being modified:	Explain below how the plan is being modified:
Modified plan to extend sale date of rental property to Feb. 2020	Plan modified to extend sale date of rental property to Feb., 2020

Are Schedules I and J being filed simultaneously with this Modified Plan? Yes No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

NONE

Explain here:

*This plan is a step plan or has lumpsum payments as follows: \$185.60 per month for 34 months, then \$353.57 per month for 26 months

All non-exempt lawsuit proceeds to be paid to Trustee
June, 2019 is projected sale date for rental property
Debtor has available extensions through bankruptcy court.

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: December 2, 2019

/s/ Jorge E Nieves, Jr.

Jorge E Nieves, Jr.

Debtor

Date: _____

Joint Debtor

Date December 2, 2019

/s/ Candyce SMith-Sklar

Candyce SMith-Sklar

Attorney for the Debtor(s)

In re:
Jorge E. Nieves, Jr.
Debtor

Case No. 17-12247-MBK
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf901

Page 1 of 2
Total Noticed: 44

Date Rcvd: Dec 03, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 05, 2019.

db +Jorge E. Nieves, Jr., 3 Manor House Drive, Ewing, NJ 08638-1727
r +Anna Appolonia, Hertiage House Sotheby's Int't. Realty, 38 Main Street, Holmdel, NJ 07733-2106
lm +++++DITECH MORTGAGE, 332 MINNESOTA ST STE E610, SAINT PAUL MN 55101-1311
(address filed with court: Ditech Mortgage, 332 Minnesota State, Suite 610, Saint Paul, MN 55101)
r +James Lessing, Gloria Nilson & Co., 2346 Route 33, Suite 107, Robbinsville, NJ 08691-1419
r +Marva Morris, Gloria Nilson & Co. Real Estate, 2346 Route 33, Suite 107, Robbinsville, NJ 08691-1419
516630131 +Allen Gorski, Esq., 311 Whitehorse Ave., Suite A, Trenton, NJ 08610-1430
516630132 +B&B Collections, Inc., PO Box 2137, Toms River, NJ 08754-2137
516630133 +Capital Health System, Attn: Patient Accounts, 1 Capital Way, Pennington, NJ 08534-2520
516630134 +Capital Health System, Attn: Patient Accountns, 1 Capital Way, Pennington, NJ 08534-2520
516767872 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
516630135 +Capital Pathology, PO Box 789292, Philadelphia, PA 19178-9292
516630136 +Children's Specialized Hospital, PO Box 15391, Newark, NJ 07192-5391
516630137 +Comprehensive Sleep Associates of NJ, PO Box 8500-9052, Philadelphia, PA 19178-0001
516630138 +Credit Control, LLC, PO Box 488, Hazelwood, MO 63042-0488
516630139 +D&S LTD, 13809 Research BLvd., Suite 800, Austin, TX 78750-1211
516630140 +++++DITECH, 332 MINNESOTA ST STE E610, SAINT PAUL MN 55101-1311
(address filed with court: Ditech, 332 Minnesota State Suite 610, Saint Paul, MN 55101)
516630141 +Ewing township sewer taxes, 2 Jake Garzio Drive, Ewing, NJ 08628-1544
516642514 +Gorski & Knowlton PC, 311 Whitehorse Avenue, Suite A, Hamilton, NJ 08610-1430
516630142 #+Horizon Blue Cross Blue Shield of NJ, PO Box 10193, Newark, NJ 07101-3117
516630143 +I.C. System, Inc., PO box 64373, Saint Paul, MN 55164-0373
516630145 +Kols/capone, N56 W 17000 Ridgewood Drive, Menomonee Falls, WI 53051-5660
516630146 +Laboratory Corp of America Holdings, PO Box 2240, Burlington, NC 27216-2240
516630147 +Merchants & Medical Creditr Corp., 6324 Taylor Drive, Flint, MI 48507-4685
516630148 +Norma Lilia Chagoya-Garcia, 3 Manor House Drive, Trenton, NJ 08638-1727
516630149 +Northland Group, PO Box 129, Thorofare, NJ 08086-0129
516630150 +Ocean Home Health, QMES New Jersey Region, PO Box 71413, Philadelphia, PA 19176-1413
516630151 +Pleuse, Becker and Saltzman, Attys for BNY/Mellon, 20000 Horizon Way, Suite 900, Mount Laurel, NJ 08054-4318
516630152 +State of New Jersey, DCA BHI DORES, PO Box 662, Trenton, NJ 08646-0662
516630154 Sweeney and Sheehan attys for Aguilar, John M. Corcoran, ESq., Sentry Office Plaza, 216 Haddon Avenue, Suite 500, Sewell, NJ 08080
517226662 +The Bank of New York Mellon, PROBER & RAPHAEL, A LAW CORPORATION, 20750 Ventura Boulevard, Suite 100, Woodland Hills, California 91364-6207
517261723 +The Bank of New York Mellon, et al, c/o Carrington Mortgage Services, LLC, 1600 South Douglass Road, Anaheim, CA 92806-5948
517261724 +The Bank of New York Mellon, et al, c/o Carrington Mortgage Services, LLC, 1600 South Douglass Road, Anaheim, CA 92806, The Bank of New York Mellon, et al, c/o Carrington Mortgage Services, LLC 92806-5948
516630155 +Trident Asst, 53 Perimeter Ctr E Ste 4, Atlanta, GA 30346-2294
516630157 +United States Attorney General, US Department of Justice, Ben Franklin Station, PO Box 683, Washington, DC 20044-0683

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Dec 04 2019 00:18:58 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Dec 04 2019 00:18:52 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
cr E-mail/Text: cio.bnccmail@irs.gov Dec 04 2019 00:18:17 Internal Revenue Service, 955 South Springfield Avenue, Building A, Springfield, NJ 07081
516756014 E-mail/PDF: resurgentbknotifications@resurgent.com Dec 04 2019 00:31:42 Ashley Funding Services, LLC, c/o Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
516874894 E-mail/PDF: resurgentbknotifications@resurgent.com Dec 04 2019 00:32:27 Ashley Funding Services, LLC its successors and, assigns as assignee of Laboratory, Corporation of America Holdings, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
516677628 E-mail/PDF: gecscedi@recoverycorp.com Dec 04 2019 00:32:53 Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
516870872 E-mail/PDF: gecscedi@recoverycorp.com Dec 04 2019 00:32:09 Synchrony Bank, c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021
516880103 E-mail/Text: bankruptcy.bnc@ditech.com Dec 04 2019 00:18:26 THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YO, c/o Ditech Financial LLC, PO Box 6154, Rapid City, SD 57709-6154
516630156 E-mail/Text: usanj.njbankr@usdoj.gov Dec 04 2019 00:18:58 United States Attorney, Peter Rodino Federal Building, 970 Broad Street, Suite 700, Newark, NJ 07102-2527
516872294 E-mail/PDF: EBN_AIS@AMERICANINFO SOURCE.COM Dec 04 2019 00:32:29 Verizon, by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 44

Date Rcvd: Dec 03, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center
(continued)

TOTAL: 10

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516630130 Albert Russo, Standing Chapter 13 Trustee
cr* +Gorski & Knowlton PC, 311 Whitehorse Avenue, Suite A, Hamilton, NJ 08610-1430
516630144* +IRS, PO Box 7346, Philadelphia, PA 19101-7346
516630153 ##+Sure Recovery Service, PO Box 818, Jackson, NJ 08527-0818

TOTALS: 1, * 2, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '+++' were corrected as required by the USPS Locatable Address Conversion System (LACS).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 05, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 2, 2019 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Allen I Gorski on behalf of Creditor Gorski & Knowlton PC agorski@gorskiknowlton.com
Candyce Ilene Smith-Sklar on behalf of Debtor Jorge E. Nieves, Jr. mail@njpalaw.com,
r56958@notify.bestcase.com
Denise E. Carlon on behalf of Creditor The Bank of New York Mellon, Et Al...
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6